

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
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WT Docket No. 96-198

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In the Matter of)
)
Implementation of Section 255 of the)
Telecommunications Act of 1996)
)
Access to Telecommunications Services,)
Telecommunications Equipment, and)
Customer Premises Equipment)
By Persons with Disabilities)

COMMENTS OF MCI TELECOMMUNICATIONS CORPORATION

MCI Telecommunications Corporation (MCI), by its attorneys, hereby submits initial comments responsive to the Commission's Notice of Inquiry in the above-referenced proceeding.¹

The Commission's inquiry seeks comments concerning Section 255 of the Telecommunications Act of 1996, which requires, among other things, that equipment manufacturers ensure that equipment is "designed, developed, and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable." 47 U.S.C. § 255(b). Section 255(c) requires that telecommunications service providers ensure that service is "accessible to and usable by individuals with disabilities, if readily achievable." The Commission's stated objective with respect to this inquiry is to develop a record to assist the Architectural and Transportation Barriers Compliance Board (Access Board) in the development of accessibility guidelines for equipment or Customer Premises Equipment (CPE).² The Commission also seeks comments on how it can best work with the Access Board on equipment and service-related issues.³

¹ *In the Matter of Implementation of Section 255 of the Telecommunications Act of 1996: Access to Telecommunications Services, Telecommunications Equipment, and Customer Premises Equipment By Persons with Disabilities*, ST Docket No. 96-198, Released: September 19, 1996.

² *Notice of Inquiry*, ¶ 4.

³ *Id.* MCI is not a manufacturer of CPE. As a provider of telecommunications services, these Comments focus on the "services" aspect of the Commission's inquiry.

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MCI offers several telecommunications products designed to ensure ready accessibility to and use of MCI services by members of the disabled community. Last year, MCI introduced the first text telephone calling card (TTY Card) for individuals who are hearing impaired. The TTY Card has been successful because it does not restrict callers to making calls from their homes or businesses. The TTY Card is identical to other MCI long distance service calling cards, except that the card replaces traditional audio "prompts" with text prompt instructions on how to place calls. Users need not subscribe at their home or business to MCI's long distance service to take advantage of the TTY Card. They can simply apply for a separate MCI TTY Card to enjoy the program.

MCI Distinct Savings offers a 35% discount on domestic Dial 1 rates to members of the hearing impaired community. Distinct Savings is available 24 hours a day, seven days a week, and includes Dial 1, operator assisted and card calls.⁴ Distinct Savings is available to eligible callers whether or not they use a text telephone (TTY).

MCI operates Telephone Relay Service (TRS) centers in California, Arkansas, Arizona, North Carolina, Wisconsin, Massachusetts, Louisiana and Florida. MCI's TRS centers allow deaf and hearing and speech impaired individuals who use TTYs to communicate with people who use standard voice telephones -- and vice versa. Individuals can contact the TRS center via a well publicized 800 number 24 hours a day, seven days a week. The relay operators, also called Communications Assistants (CAs), serve as the communications link between TTY and voice telephone users. MCI also operates a national relay service for callers to use in making interstate and international relay calls.

⁴Distinct Savings does not apply where a state has mandated specific discounts for intrastate calls. Those states are Pennsylvania, Florida, Maine, North Carolina, New York, Ohio and Wisconsin.

Many people with unimpaired speaking ability, but with a hearing impairment that makes it difficult to communicate unaided on the telephone, are able to hear some of a telephone conversation. To enhance communication services for such individuals, MCI offers Two-Line VCO Service (VCO). VCO allows a hearing impaired person to both hear and read a party's conversation using a conventional telephone and TTY or computer.

In order to conduct a VCO call, the user requires a standard voice telephone and line with conference calling capability, along with a second line which is connected to an ASCII TTY or personal computer equipped with an ASCII modem and standard communications software. To place a call, the hearing impaired user dials the voice number to the TRS center. Upon connection, the caller instructs the CA to dial a call to their computer line. At this point, the caller has called in a voice to the relay and has had a call placed back to the caller's computer which is running the communication program. The caller then activates the conferencing feature on his voice line and places a call. The CA and the speaking parties are now all on the same line. The called party hears the voice of the hearing impaired person (as does the CA) and the CA, hearing the called party's voice, types all of his words to the originating user's computer. Thus, VCO allows near normal conversation speeds, and allows the hearing impaired individual to also hear the conversation.

MCI regularly advertises its services in traditional publications such as Deaf Life, The Broadcaster, Self Help for Hard of Hearing People and On the Green. MCI also places advertisements on electronic bulletin boards such as EduDeaf, and in Assistive Technology News, the employer's newspaper for disabled employees, which reaches readers with all types of disabilities.

No amount of mass marketing and advertising, however, can erase the fact that it is unrealistic to think that all telecommunications services can be made accessible to all persons. Rather, as each new service is created, it needs to be evaluated for applicability to various users, including the disabled. Some services will always be better suited to one category of users than others. Therefore, guidelines addressing whether services are usable and/or accessible by disabled persons, in whatever form, should avoid the pitfalls associated with a failure to continue to draw a clear distinction between telecommunications services and CPE.

Equipment manufacturers should not have available as a defense to allegations of violations of the usability or accessibility standard that accessibility could have been achieved if the service provider had offered a different service or had structured its service differently. By way of analogy, if Company A offers a service on the second floor of a building owned by Company B, and Company B has not fitted that building with means allowing access to the second floor by persons with disabilities, Company B should not have as a defense to a disabled person's accessibility claim the assertion that Company A should have had its service on the first floor of the building. By the same token, if a hearing impaired person wanted to use MCI Two-Line VCO, but did not have a conference telephone at their office, or their computer was not equipped with an ASCII modem and standard communication software, the equipment manufacturer should not have as a defense that MCI could have or should have made the Two-Line VCO service compatible with a computer using some other type of modem or communications software.

Recently, several companies have introduced new technologies geared toward disabled users. Such new technologies are often well received in the disabled community. But it is nearly impossible for TRS service providers to accommodate all possible protocols. There are

answer time standards imposed by the FCC that relay providers must meet. For the TRS provider to have to reach protocol after protocol for a connection could severely impact its ability to meet answer time standards.

Outside of the public dissemination of materials designed to sufficiently alert the disabled community to the availability and accessibility of services, the "accessibility" issue is largely related only to the piece of equipment that connects the user to the service provider's network. For example, MCI's Internet service will deliver Internet access, but the personal computer used to interface with the service must be properly configured to allow for a disabled user. MCI has no visibility into the dozens of ways that this modification can be accomplished for the various specific needs and preferences of such users. In any event, most technological advances developed by service providers have no bearing on the accessibility of service. Most such advances concern billing, network speed and capacity or are pricing related.

MCI agrees that general guidance is needed on the issue of enforcement so that disabled persons can be assured of an avenue through which to obtain accessible and usable equipment and services where they do not exist. Until such guidelines are adopted, complaints should be addressed on a case-by-case basis using the federal and state statutes and regulations currently in place as the benchmark for compliance.

It should be the exception, and not the rule, that a disabled person is limited to the accessibility presently enjoyed by telecommunications equipment and service users while the industry moves ahead at ever-increasing speed. In adopting mechanisms that will assist it in working with the Access Board on service issues, the Commission should have as a primary goal

that services should be developed and implemented, to the extent readily achievable, with everyone in mind, including those with disabilities.

Respectfully submitted,

MCI TELECOMMUNICATIONS CORPORATION



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CERTIFICATION OF SERVICE

I Stan Miller, hereby certify that copies of the foregoing Comments were sent via first class mail, postage paid, to the following on this 28th day of October, 1996.

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